

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 2150 – Child Endangerment - Controlled Substances (LSB 5200 HV)
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Fiscal Note Version — NEW
Requested by Representative Jim Van Fossen

Description

House File 2150 establishes a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance is either manufactured or where products are possessed with the intent to manufacture a controlled substance. The offense is punishable as a Class D felony.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. There is a six-month lag time from the effective date (July 1, 2004) of the proposed legislation to the date of first entry of affected offenders into the correctional system.
4. There were 438 child victims of abuse due to parents manufacturing methamphetamine or possessing its precursors in FY 2003. To the extent that persons endanger children or minors during the manufacture of controlled substances other than methamphetamine, there will be a higher correctional and fiscal impact than shown in this fiscal note.
5. Half of the cases will result in one person being charged with a Class D felony while half of the cases will result in both parents being charged with a Class D felony. This results in 657 people being charged under HF 2150. Half of these defendants will also be charged with a drug offense under current law. This results in 329 additional trials annually under HF 2150.
6. The FY 2003 conviction rate for Class D felony child endangerment was 58.0%, with 36.0% of convictions as charged. The remaining 64.0% of the convictions were pled down to a lesser offense, assumed to be aggravated misdemeanor child endangerment.
7. The FY 2003 imprisonment rate for a Class D felony was 51.5%; certain offenders received a penalty other than prison. The average length of stay in prison was 23 months.
8. The FY 2003 imprisonment rate for this class of aggravated misdemeanor was 14.4%; certain offenders received a penalty other than prison. The average length of stay in prison was ten months.
9. The FY 2003 jail incarceration rate was 41.6%; the average county jail term imposed was 40 days.
10. The marginal cost per day for State prison inmates is \$13.00. The marginal cost for county jail inmates is \$15.00.
11. The average length of stay on probation supervision for a Class D felony conviction is 26 months, and 18 months for an aggravated misdemeanor.

12. The average length of stay on parole supervision for a Class D felony conviction is 12 months, and 7 months for an aggravated misdemeanor conviction.
13. The average cost per day for parole or probation offender is \$1.88. The cost of one new Parole/Probation Officer II is approximately \$47,000 annually.
14. The median cost per case for indigent defense is \$1,000 for a Class D felony or aggravated misdemeanor.
15. The average court cost for a Class D felony trial is \$238 without a jury, or \$1,300 with a jury. These figures include the costs of a District Court Judge, court attendant, court reporter, and clerk of court staff.
16. There is no impact on the Department of Human Services' child protection system. Under current law, the Department considers both parents to be caretakers.

Correctional Impact

During FY 2005, HF 2150 will result in 96 additional offenders being convicted of child endangerment. Thirty-five convictions will be for a Class D felony and 61 convictions will be for an aggravated misdemeanor. For FY 2006 and each year thereafter, there will be 191 additional convictions, as follows: 69 Class D felonies and 122 aggravated misdemeanors.

During FY 2005, the 96 additional offenders will be sentenced as follows: 27 to State prison, 68 to probation, and 26 to county jail. Certain offenders will receive a split sentence, such as jail and probation.

During FY 2006 (annualized impact), there will be 191 additional offenders convicted of child endangerment, sentenced as follows: 54 to State prison, 146 to probation, and 51 to county jail. Certain offenders will receive a split sentence, such as jail and probation.

Admissions to the State prison system will increase by 27 in FY 2005, 54 in FY 2006, and 64 in FY 2009. The prison population will increase by 27 during FY 2005, 69 in FY 2006, and 92 in FY 2009.

Admissions to probation supervision will increase by 68 in FY 2005, 146 in FY 2006, and 191 in FY 2009.

Admissions to county jail will increase by 68 in FY 2005, 146 in FY 2006, and 191 in FY 2009.

Fiscal Impact

The estimated increase in State General Fund expenditures for FY 2005 is \$218,000 and \$748,000 for FY 2006. A detailed breakdown of expenditures is as follows:

	<u>FY 2005</u>	<u>FTEs</u>	<u>FY 2006</u>	<u>FTEs</u>
Corrections - Prisons	\$ 64,000		\$ 340,000	
CBC - Parole/Probation	23,000	0.48	147,000	3.10
Courts	48,000		96,000	
Indigent Defense	83,000		165,000	
Total	<u>\$ 218,000</u>	<u>0.48</u>	<u>\$ 748,000</u>	<u>3.10</u>

The fiscal impact on county jail costs is estimated to be \$16,000 in FY 2005 and \$31,000 in FY 2006.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Department of Human Services
Office of the State Public Defender

Dennis C Prouty

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
